

EXHIBIT E

ROUGH - Kathleen Burns, Ph.D.

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ROUGH DRAFT TRANSCRIPT

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This raw transcript will contain:

1. Conflicts - an apparently wrong word that has the same stenotype stroke as a less-used word. Conflicts are remedied by the reporter in editing.

2. Untranslates/Misstrokes - a stenotype stroke appears on the screen as the result of the computer dictionary not having the stroke previously identified or a misstroke or partial translation of the word.

3. Reporters notes - a parenthetical word or phrase from the reporter. Since the reporter must write each word instantly, a misunderstood word or phrase will not be apparent until some time later. Reporter's notes provide the opportunity to correct such situations.

REALTIME TRANSCRIPT

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1 THE VIDEOGRAPHER: Good
2 morning. We're now on the record. My
3 name is Larry Moskowitz and I'm a
4 videographer for Golkow Technologies,
5 Inc. Today's date is April 29, 2009,
6 and the time is 9:27 a.m. This video
7 deposition is being held at McDermitt
8 Will & Emery 340 Madison Avenue New York
9 New York in the matter of in re MTBE for
10 the United States District Court,
11 Southern District of New York.

12 Deponent today is Kathleen
13 Burns, Ph.D. Will counsel and those
14 present please identify themselves for
15 the record.

16 MR. STACK: William Stack
17 for Exxon Mobil.

18 MR. PARDO: James Pardo for
19 Exxon Mobil.

20 MS. GOAD: Amanda Goad for
21 the City of New York and the witness.

22 THE VIDEOGRAPHER: Any
23 counsel on the phone?

24 (No response.)

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1 A. Identified those in my
2 report. I have listed the Web site that
3 you could use to access that
4 information.

5 Q. When you formed your
6 opinions in this case, did you
7 specifically refer to and measure the
8 action of the defendants in this case
9 relative to criteria established by EPA
10 for product stewardship?

11 A. I did consider that.

12 MS. GOAD: Objection, vague
13 and compound.

14 Please give me a second.

15 THE WITNESS: I'm sorry, I'm
16 sorry.

17 BY MR. STACK:

18 Q. You did consider it. I'm
19 not asking you if you considered it.
20 Did you identify criteria that are
21 recommended by EPA and compare what
22 occurred in this case to each of those
23 criteria?

24 MS. GOAD: Same objection.

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1 A. Yes.

2 Q. Where is that reported in
3 your report?

4 A. I did that in my head. I
5 didn't have to write it down.

6 Q. Did you perform any
7 analysis that are reflected in your
8 notes by which you compared each of the
9 criteria recommended by EPA for product
10 stewardship to what occurred in this
11 case?

12 A. I didn't write it down. I
13 did consider had a.

14 Q. With respect to
15 consideration, what is the first
16 recommended practice by EPA for product
17 stewardship?

18 A. I didn't memorize this.

19 Q. In the course of your
20 analysis, you indicate you did it in
21 your head. Where is it that we can
22 determine what you evaluated when you
23 looked at the EPA criteria? What do I
24 look at?

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1 A. Okay. If you look at the
2 chapter that I did on product
3 stewardship, this reflects my thinking
4 on that subject. And I actually have to
5 get my glasses in order to see it 100%
6 clearly. But that section, Section -- I
7 think it's Section 4, reflects the
8 integration of reading the information
9 on product stewardship on the Web site
10 of previous work that I did on the
11 topic, and considering the documents
12 that I had in hand.

13 Q. And in considering the EPA
14 product stewardship recommended
15 practices, what are the objective
16 criteria that they identify for good
17 product stewardship?

18 A. I didn't memorize the
19 criteria.

20 Q. Did you articulate at any
21 point in your analysis what the
22 objective criteria are that EPA laid
23 out -- lays out in their recommended
24 practices as being representative or

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1 MTBE in gasoline in 1996?

2 A. I didn't look at the
3 behavior of specific companies.

4 Q. With regard to the Mobil
5 Corporation, do you know what position
6 Mobil took relative to adding MTBE to
7 gasoline?

8 A. I didn't look at the
9 behavior of specific companies.

10 Q. Do you recall if your prior
11 deposition being shown the opt Ed pages
12 from the New York Times where Mobil
13 opposed using MTBE in gasoline?

14 MR. STACK: Objection, lacks
15 foundation.

16 A. I don't recall that, not
17 that it didn't happen, but I don't
18 recall that.

19 Q. In the course of your work
20 on this matter, did you do any research
21 to determine which of the refiner
22 companies who are the defendants in this
23 case oppose the use of MTBE in gasoline
24 as an oxygenate?